

LOCAL OPERATING PROCEDURES  
OFFICE OF THE IMMIGRATION JUDGE  
ARLINGTON, VIRGINIA

Procedure 1. Pre-Hearing Motions Practice in General

In addition to complying with 8 C.F.R. 3.22, all pre-hearing motions shall be accompanied by a proposed order in triplicate for signature by the Immigration Judge. All pre-hearing motions will be decided on the basis of the written record unless the Immigration Judge determines that oral argument is necessary to make a decision on the motion.

Procedure 2. Continuances

Parties seeking a continuance of any scheduled hearing before an Immigration Judge shall file a written motion for continuance no less than ten (10) calendar days prior to the scheduled hearing. The motion shall set forth the reason(s) that the continuance is requested. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed. Motions for continuance within the ten day period prior to the hearing will be considered only with the consent and in the discretion of the Immigration Judge.

Procedure 3. Trial Preparation

A. At the Master Calendar hearing, the parties shall be prepared as follows:

1. Respondent/applicant shall be prepared to respond to the allegations contained in the charging document.
2. Respondent/applicant shall be prepared to indicate all applications for relief from deportation or exclusion sought.
3. Respondent/applicant shall be prepared to state (in hours) the estimated time needed to present the case at the Individual Calendar hearing.
4. The Immigration and Naturalization Service (INS) shall be prepared to state its position on all issues and applications for relief from exclusion/deportation.

B. A written pleading by the respondent/applicant containing the information in A.1-3 above may be filed in advance with the consent of the Immigration Judge. When such a pleading is filed sufficiently in advance to be acted upon by the Immigration Judge by mail, it may be coupled with a request for a waiver of presence at the Master Calendar pursuant to 8 C.F.R. §3.24. Such request must be accompanied by a

proposed order, in triplicate, which includes blank space for setting the future date of hearing and any applicable deadlines. Unless such order is signed by the Immigration Judge and received in advance of the scheduled hearing by the respondent/applicant, his/her presence is not excused and is required at the scheduled hearing.

- C. At the Individual Calendar hearing, both parties shall be prepared to present all remaining testimony and evidence on all issues, including rebuttal.

#### Procedure 4. General

All matters shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at that time.

#### Procedure 5. Filing Procedure

- A. In addition to complying with 8 C.F.R. §3.30, all documents and applications submitted for consideration by an Immigration Judge shall be two-hole punched at the top of the page with holes 2 3/4" apart. All exhibits and documents in support of a motion or claim shall be paginated and shall have as a first page a table of contents with page number identification. The use of exhibits tabs with letter designations is recommended when necessary.
- B. In addition to complying with 8 C.F.R. §§3.29 and 3.30, all proposed exhibits and briefs must be filed with the Office of the Immigration Judge no later than ten (10) calendar days prior to the scheduled Individual Calendar hearing, unless otherwise authorized by the Immigration Judge.